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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	Case N° CR-11-2498-TUC-DCB (GEE)
)	
Plaintiff,)	
)	MOTION FOR PSYCHOLOGICAL
vs.)	EVALUATION OF DEFENDANT TO
)	DETERMINE COMPETENCY TO STAND
)	TRIAL
Marshall Edwin Home,)	
)	[No Objection - No Oral Argument Requested]
Defendant.)	[18 U.S.C. §4241]

Defendant, MARSHALL EDWIN HOME, through Jon M. Sands, Federal Public Defender, by Tamara N. Mulembo and Heather E. Williams, Assistant Public Defenders, pursuant to 18 U.S.C. §4241, following the oral motion made before and granted by the magistrate on September 23, 2011, requests the defendant be evaluated by a licensed or certified psychologist, psychiatrist, or neuropsychologist to be named within 7 days, by agreement between the parties, to determine whether the defendant presently suffers from a mental disease or defect rendering him mentally incompetent to understand the nature and consequences of the proceedings against him or to properly assist in his defense, based upon the following.

SUBMITTED: September 23, 2011.

JON M. SANDS
Federal Public Defender

/s/ Heather E. Williams
HEATHER E. WILLIAMS
and for TAMARA N. MULEMBO
Assistant Federal Public Defenders

1 *The above signed does hereby certify that, on the above date, she electronically transmitted*
2 *this document to the Clerk's Office using the CM/ECF System for filing and transmittal of a*
3 *Notice of Electronic Filing to the following CM/ECF registrants:*

4 ROBERT L. MISKELL
5 DILLON A. FISHMAN
6 Assistant U.S. Attorneys
7 Tucson, Arizona

8 BRUCE HEURLIN
9 Attorney for co-defendant
10 BRODERICK

11 **STATEMENT OF FACTS**

12 Defendant HOME is 81 years of age. His questions in court on September 22, 2011, as
13 well as statements he has made to counsel, interpretations of the law, confusion as to any
14 differences between civil, criminal, bankruptcy, and military courts, as well as memory lapses
15 in dealings with counsel, raise issues of competency to stand trial and fully assist his lawyers
16 in representing him.

17 This assessment is based upon a 10 year period of time during which Counsel
18 Williams has seen HOME several times yearly when he would visit her Office, though no case
19 was pending in which counsel represented HOME.

20 JON M. SANDS
21 Federal Public Defender

22 */s/ Heather E. Williams*
23 HEATHER E. WILLIAMS
24 and for TAMARA N. MULEMBO
25 Assistant Federal Public Defenders
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